

1 MAUREEN E. MCCLAIN (State Bar No. 062050)

Email: mcclain@kmm.com

2 ALEX HERNAEZ (State Bar No. 201441)

Email: hernaez@kmm.com

3 KAUFF MCCLAIN & MCGUIRE LLP

One Post Street, Suite 2600

4 San Francisco, California 94104

Telephone: (415) 421-3111

5 Facsimile: (415) 421-0938

6 Attorneys for Defendant

DOLLAR TREE STORES, INC.

7 BETH HIRSCH BERMAN (VA Bar No. 28091)

Email: bberman@williamsmullen.com

8 WILLIAMS MULLEN

9 999 Waterside Drive

1700 Dominion Tower

10 Norfolk, VA 23510

Telephone: (757) 629-0604

11 Facsimile: (757) 629-0660

12 *Pro Hac Vice* Attorneys for Defendant

DOLLAR TREE STORES, INC.

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

17 KASSONDRA BAAS and KELLY LOFQUIST,
18 individually and on behalf of all others
similarly situated,

19 Plaintiffs,

20 v.

21 DOLLAR TREE STORES, INC.,

22 Defendant.

CASE NO. C 07-03108 JSW

**DECLARATION OF STEVEN
PEARSON IN OPPOSITION TO
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

DATE: April 4, 2008

TIME: 9:00 a.m.

DEPT.: Crtrm. 2, 17th Floor

JUDGE: Hon. Jeffrey S. White

COMPLAINT FILED: June 13, 2007

TRIAL DATE: No date set.

1
2 I, Steven Pearson, declare as follows:

3 1. I am over the age of eighteen and have personal knowledge of the facts
4 set forth below. If called upon as a witness, I could testify competently thereto.

5 2. I am employed by Dollar Tree Stores, Inc. ("Dollar Tree"), as an
6 Operations Analyst. In that capacity I am responsible for the Compass system and
7 operational reporting.
8

9 3. Dollar Tree requires all of its non-exempt hourly retail store employees,
10 including Assistant Store Managers, to record accurately all time worked and all breaks
11 taken.

12 4. Since approximately June, 2006, Dollar Tree has been using the
13 Compass time management system to electronically record and track all time worked
14 and all breaks taken by its hourly employees.
15

16 5. In an effort to prevent timecard fraud and to ensure more accurate
17 timekeeping records, all employees are issued a unique employee number and access
18 code which allows the employee to enter his/her start and end shift, start and end break,
19 and start and end lunch. The time is entered using either a cash register or the
20 computer located in the store's office.
21

22 6. If mistakes are made to any time entry or if an employee fails to make an
23 entry, the Store Managers and Assistant Managers are able and expected to adjust time
24 records for any employee in their store other than themselves to reflect the time actually
25 worked by the employee.

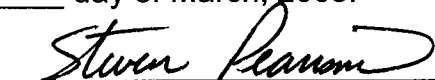
26 7. It is against Dollar Tree policy for an employee, including managers, to
27 use any employee number or access code other than their own.
28

1 8. Compass maintains a footprint of every entry made including the original
2 entry and any corrections. The footprint also identifies who made the correction and the
3 date and time when the correction was made. Dollar Tree can generate punch audit
4 reports from Compass which show the detailed footprint.

5
6 9. Prior to using Compass, Dollar Tree used a time tracking system called
7 Fastech to track store employee hours. Fastech also allowed corrections and has a
8 footprint to show changes to time; however, it does not provide tracking information that
9 is as detailed as that provided by Compass.

10
11 I declare under penalty of perjury that the foregoing is true and correct.

12 Executed in Chesapeake, Virginia this 5th day of March, 2008.

13
14 
15 Steven Pearson

16
17
18
19 1250974v1